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**SUBSTITUTE SENATE BILL 5556**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on State & Local Government (originally sponsored by Senators T. Sheldon, Prentice, Roach, Rasmussen, Franklin and McCaslin)

READ FIRST TIME 02/20/01.

1       AN ACT Relating to the use of public assets for political  
2 purposes; and amending RCW 42.17.128, 42.17.130, and 42.52.180.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4       **Sec. 1.** RCW 42.17.128 and 1993 c 2 s 24 are each amended to read  
5 as follows:

6       Public funds, whether derived through taxes, fees, penalties,  
7 or any other sources, shall not be used to finance political  
8 campaigns for state or local office or for the promotion of or  
9 opposition to any ballot proposition.

10       **Sec. 2.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended  
11 to read as follows:

12       (1) No elective official nor any employee of his or her office  
13 nor any person appointed to or employed by any public office or  
14 agency may use or authorize the use of any of the facilities of a  
15 public office or agency, directly or indirectly, for the purpose  
16 of assisting a campaign for election of any person to any office  
17 or for the promotion of or opposition to any ballot proposition.

1 Facilities of public office or agency include, but are not limited  
2 to, funds, use of stationery, postage, machines, and equipment,  
3 use of employees of the office or agency during working hours,  
4 vehicles, office space, publications of the office or agency, and  
5 clientele lists of persons served by the office or  
6 agency: PROVIDED, That the foregoing provisions of this section  
7 shall not apply to the following activities:

8 ~~((1))~~ (a) Action taken at an open public meeting by members  
9 of an elected legislative body to express a collective decision,  
10 or to actually vote upon a motion, proposal, resolution, order, or  
11 ordinance, or to support or oppose a ballot proposition so long as  
12 ~~((a))~~ (i) any required notice of the meeting includes the title  
13 and number of the ballot proposition, and ~~((b))~~ (ii) members of  
14 the legislative body or members of the public are afforded an  
15 approximately equal opportunity for the expression of an opposing  
16 view;

17 ~~((2))~~ (b) A statement by an elected official in support of or  
18 in opposition to any ballot proposition at an open press  
19 conference or in response to a specific inquiry;

20 ~~((3))~~ (c) Activities which are part of the normal and regular  
21 conduct of the office or agency.

22 (2)(a) Except as provided in (b) of this subsection an  
23 association or nonprofit corporation that has a majority of  
24 officers or members who are public officials and that derives more  
25 than twenty-five percent of its income from dues, assessments, or  
26 membership fees paid with public funds may not provide any  
27 financial support or use of their facilities to a political  
28 committee, to a candidate for public office, or to promote or  
29 oppose a ballot proposition.

30 (b) The prohibitions in (a) of this subsection do not apply to  
31 an action at an open public meeting to express a collective  
32 decision or position or to prepare and disseminate factual  
33 information relating to specific ballot propositions.

34 (3) The entities described in subsection (2) of this section  
35 are subject to the public disclosure requirements of chapter 42.17  
36 RCW.

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1       **Sec. 3.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to  
2 read as follows:

3       (1) No state officer or state employee may use or authorize the  
4 use of facilities of an agency, directly or indirectly, for the  
5 purpose of assisting a campaign for election of a person to an  
6 office or for the promotion of or opposition to a ballot  
7 proposition. Knowing acquiescence by a person with authority to  
8 direct, control, or influence the actions of the state officer or  
9 state employee using public resources in violation of this section  
10 constitutes a violation of this section. Facilities of an agency  
11 include, but are not limited to, use of stationery, postage,  
12 machines, and equipment, use of state employees of the agency  
13 during working hours, vehicles, office space, publications of the  
14 agency, and clientele lists of persons served by the agency.

15       (2) This section shall not apply to the following activities:

16       (a) Action taken at an open public meeting by members of an  
17 elected legislative body to express a collective decision, or to  
18 actually vote upon a motion, proposal, resolution, order, or  
19 ordinance, or to support or oppose a ballot proposition as long as  
20 (i) required notice of the meeting includes the title and number  
21 of the ballot proposition, and (ii) members of the legislative  
22 body or members of the public are afforded an approximately equal  
23 opportunity for the expression of an opposing view;

24       (b) A statement by an elected official in support of or in  
25 opposition to any ballot proposition at an open press conference  
26 or in response to a specific inquiry. For the purposes of this  
27 subsection, it is not a violation of this section for an elected  
28 official to respond to an inquiry regarding a ballot proposition,  
29 to make incidental remarks concerning a ballot proposition in an  
30 official communication, or otherwise comment on a ballot  
31 proposition without an actual, measurable expenditure of public  
32 funds. The ethics boards shall adopt by rule a definition of  
33 measurable expenditure;

34       (c) Activities that are part of the normal and regular conduct  
35 of the office or agency; and

36       (d) De minimis use of public facilities by statewide elected  
37 officials and legislators incidental to the preparation or  
38 delivery of permissible communications, including written and

1 verbal communications initiated by them of their views on ballot  
2 propositions that foreseeably may affect a matter that falls  
3 within their constitutional or statutory responsibilities.

4 (3) As to state officers and employees, this section operates  
5 to the exclusion of RCW 42.17.130.

6 (4) For the purposes of this section, "facilities" includes  
7 local government facilities.

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